

REMARKS

Claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are pending in the application. Claims 40, 41, 43, 45, 47, 49, 51, 53, 55, and 57 are withdrawn from consideration as being directed to non-elected inventions. In the Final Office Action of August 21, 2008, the Examiner made the following disposition:

- A.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(e) as being anticipated by *Asatsuma, et al. (US 7,176,499)*(“*Asatsuma ‘499*”).
- B.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 under 35 U.S.C. §102(a) as being anticipated by *Asazuma, et al. (JP 2004088134)*(“*Asazuma ‘134*”).
- C.) Rejected claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of *Ito, et al. (US 20050042787)*(“*Ito*”).

Applicants previously traversed the rejections and addressed the Examiner’s disposition in the Amendment F filed November 21, 2008, and whose entry is requested. It is understood from a conference with the examiner that the traversal was successful, leaving only the obviousness type double patenting rejection.

Rejection of claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 52, and 56 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of USP 7,091,056 in view of *Ito, et al. (US 20050042787)*(“*Ito*”):

In response to this rejection, Applicants are submitting an appropriate “Terminal Disclaimer.” The traversal in the prior Amendment F regarding this rejection is withdrawn. The prior traversal inadvertently reversed the order of the references applied. Accordingly, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-8, 12-18, 20, 21, 27-39, 42, 44, 46, 48, 50, 52, 54, and 56 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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